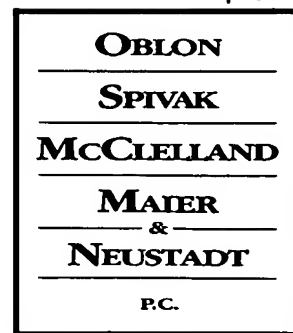




Docket No.: 261089US0X PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/510,953  
Applicants: Philippe MARLIERE, et al.  
Filing Date: October 29, 2004  
For: GENE BANK OF THE CYANOPHAGE S-2L AND  
FUNCTIONAL ANALYSIS  
Group Art Unit:  
Examiner:

SIR:


Attached hereto for filing are the following papers:

**Notification of Defective Response (Return Copy); Response to Notification of Defective Response;  
E-mail from C. Washington**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

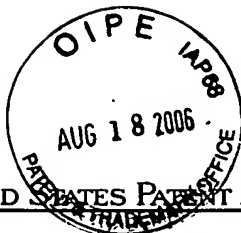
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

  
Thomas M. Cunningham  
Registration No. 45,394

Customer Number

**22850**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/510,953	Philippe Marliere	261089US0XPCT

INTERNATIONAL APPLICATION NO.
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PCT/FR03/01328

I.A. FILING DATE	PRIORITY DATE
04/28/2003	04/30/2002

22850  
 C. IRVIN MCCLELLAND  
 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
 1940 DUKE STREET  
 ALEXANDRIA, VA 22314

CONFIRMATION NO. 5311

371 FORMALITIES LETTER



\*OC000000019739800\*

Date Mailed: 07/25/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 10/29/2004
- Copy of the International Search Report filed on 10/29/2004
- Copy of IPE Report filed on 10/29/2004
- Preliminary Amendments filed on 12/02/2005
- Information Disclosure Statements filed on 10/29/2004
- Biochemical Sequence Diskette filed on 12/02/2005
- Oath or Declaration filed on 12/02/2005
- Biochemical Sequence Listing filed on 12/02/2005
- Request for Immediate Examination filed on 10/29/2004
- Copy of references cited in ISR filed on 10/29/2004
- U.S. Basic National Fees filed on 10/29/2004

RECEIVED: 22706  
 OBLON, SPIVAK, MCCLELLAND  
 MAIER & NEUSTADT, P.C.  
 DOCKETING DEPT.  
 Initials/Date Docketed: MF 22706  
 Type of Resp(s): Response to Rejection  
 Due Date(s): 8-25-06 (with fee)

Applicant's response filed 12/02/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/02/2005 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

paw

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,953	PCT/FR03/01328	261089US0XPCT

FORM PCT/DO/EO/916 (371 Formalities Notice)

DOCKET NO: 261089US0X PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
PHILIPPE MARLIERE, ET AL. : EXAMINER:  
SERIAL NO: 10/510,953 :  
FILED: OCTOBER 29, 2004 : GROUP ART UNIT:  
FOR: GENE BANK OF THE :  
CYANOPHAGE S-2L AND FUNCTIONAL  
ANALYSIS

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Notification of Defective Response mailed July 25, 2006, the Applicants respectfully submit that no further substantive response is required because STIC has already corrected the single error in the Sequence Listing as authorized by the Applicants.

REMARKS

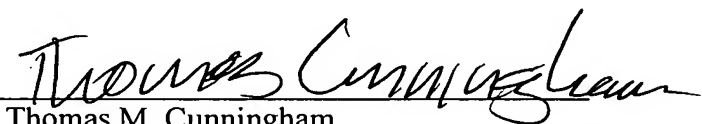
The Applicants did not receive a marked-up copy of the raw sequence listing (which indicates the errors needing correction) along with the above-mentioned Notification. They contacted Anne-Marie Corrigan at STIC who indicated the only error was in field <212> of SEQ ID NO: 1, because the term "ADN" had been used instead of "DNA".

The Applicants authorized STIC to make the corresponding correction to field <212> in the CRF of SEQ ID NO: 1 and the Applicants were notified that Ms. Corrigan had made this single necessary correction to the PTO sequence database. Christine Washington, who signed the Notification, was also notified of this correction by e-mail on August 16, 2006.

Since the Patent Office already has a correct copy of the Sequence Listing, the Applicants respectfully submit that no further action on their part is required.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

  
Thomas M. Cunningham  
Attorney of Record  
Registration No. 45,394

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

## Thomas Cunningham

---

**From:** Washington, Christine [Christine.Washington@USPTO.GOV]  
**Sent:** Wednesday, August 16, 2006 2:42 PM  
**To:** Thomas Cunningham; Corrigan, Anne-Marie  
**Subject:** RE: 10/510953

YES, YOU MAY MR. CUNNINGHAM. BUT , MS. CORRIGAN CAN YOU FAX ME A COPY OF THE EDITED SEQUENCE LISTING. I WOULD APPRECIATE IT. MY FAX NUMBET IS 571-270-9819. THANK-YOU.

-----Original Message-----

**From:** Thomas Cunningham [mailto:TCunningham@oblon.com]  
**Sent:** Wednesday, August 16, 2006 12:49 PM  
**To:** Washington, Christine  
**Subject:** FW: 10/510953  
**Importance:** High

Dear Ms. Washington,

We have authorized the correction of the Sequence Listing by STIC. Since the Sequence Listing is now correct, we would like to confirm that we do not need to provide a Substitute Paper Copy (over 300 pages) and the corresponding Substitute CRF. May we respond to the Notice of Defective Response mailed July 25, 2006, by indicating the Sequence Listing is now corrected and by referring to the e-mail below?

With best regards,

Thomas Cunningham, Ph.D

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, PC 1940 Duke Street Alexandria, VA 22314  
703-413-3000 Fax 703-413-2220 Direct 703-413-6563 email tcunningham@oblon.com  
<mailto:tcunningham@oblon.com>

This email may contain confidential and privileged information. If you are not an intended recipient of this email, please notify the sender and delete the email.

-----Original Message-----

**From:** Corrigan, Anne-Marie [mailto:Anne-Marie.Corrigan@USPTO.GOV]  
**Sent:** Wednesday, August 16, 2006 11:06 AM  
**To:** Washington, Christine  
**Cc:** Thomas Cunningham  
**Subject:** 10/510953  
**Importance:** High

Ms. Washington:

Mr. Cunningham of Oblon, Spivak et al. spoke with me, this morning, regarding the above serial number, and mentioned that you were the PCT DO/EO contact for it.

STIC had processed the CRF (computer readable form) for the above serial number on 4/4/06: errored (one small error). Mr. Cunningham's firm had received a Notification of Defective Response regarding it, dated 7/25/06. In this morning's telephone conversation with Mr.

Cunningham, I offered to edit the error, pending his authorization. He authorized the edit, I corrected the error, re-processed the sequence listing, and will submit the corrected raw sequence listing to scanning.

I deleted the errored raw sequence listing image in IFW and changed the PALM entry.

Would you like me to fax you a copy of the edited sequence listing?

Thank you.

Anne-Marie Corrigan  
STIC Systems Branch  
Remsen 2B15  
tele.: 571-272-2501  
fax: 571-273-0221  
anne-marie.corrigan@uspto.gov